

Robert L. McKinney
Name
2500 No. Rainbow Blvd

Apt. # 1073 Bldg. #15
Las. Vegas, Nev. 89108
Pro, Se: (702) 845-2082

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CLERK OF DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Robert L. McKinney
Plaintiff,

vs.

Boyd Gaming Corp

Mare - Bear Inc

A NEVADA CORPORATION

dba Stardust Hotel Casino

3000 So. LV. Blvd. LV. NV. 89108
Defendant(s).

CV-S-05-0060-RLH-LRL

CIVIL RIGHTS COMPLAINT

PURSUANT TO

TITLE VII- USC §1-22 and
(Pattern & Practice. 707)
(Sect 2000e-6, a. b. thru-17)
18 U.S.C.-1964-RICC-(22)(15)

JURY TRIAL DEMANDED

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Robert L. McKinney
(Print Plaintiff's name)

who presently resides at 2500 No. Rainbow Apt#1073-LV, were

violated by the actions of the below named individuals which were directed against

Plaintiff at 3000 So. LV. Blvd. LV. NV. 89108 on the following dates
(institution/city where violation occurred)

06-01-01, 5-12-97, and 1-1-2002
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Judah Mendelbaum resides at Agent Stardust Hotel,
(full name of first defendant) (address if first defendant)
and is employed as Shift Boss #1, Swing shift. This defendant is sued in his/her
(defendant's position and title, if any)
individual His official capacity. (Check one or both). Explain how this defendant was
acting

Mr: Mendelbaum refused to grant me my vacation
that I had earned ; although everyone else got their vacation .

3) Defendant Pat Bellaro resides at Agent- Stardust Hotel,
(full name of first defendant) (address if first defendant)
and is employed as Back up Shift Boss #2. This defendant is sued in his/her
(defendant's position and title, if any)
individual His official capacity. (Check one or both). Explain how this defendant was
acting

Mr : Pat Bellaro refused to grant me my earned
vacation , although everyone else on swing got their vacation.

4) Defendant Frank Haig resides at Agent - Stardust Hotel,
(full name of first defendant) (address if first defendant)
and is employed as Pit Boss #1- in craps swing. This defendant is sued in his/her
(defendant's position and title, if any)
individual His official capacity. (Check one or both). Explain how this defendant was
acting

Mr: Frank Haig refused to grant me my earned
vacation , although everyone else on swing got their vacation

5) Defendant Richard Fitch resides at Agent- Stardust Hotel Casino
(full name of first defendant) (address if first defendant)
and is employed as Back Up Pit Boss on swing. This defendant is sued in his/her
(defendant's position and title, if any)
individual His official capacity. (Check one or both). Explain how this defendant was
acting

Mr: Richard Fitch refused to grant me my earned
vacation , although everyone else on swing got vacation .
Although I am the second longest working person in craps on swing
they refuse to give me my vacation.

6) Defendant Susan Rhodes resides at Agent - Staroust Hotel,
 (full name of first defendant) (address of first defendant)

and is employed as Director of Human Resources This defendant is sued in his/her
 (defendant's position and title, if any)

____ official capacity. (Check one or both). Explain how this defendant was acting

MS: Rhodes said that she was investigating the in-
cident and she would get back to me, and she never did.

7) Jurisdiction is invoked pursuant to Title VII. 42 U.S.C. 81-82 and 42 U.S.C. 81-82. If you wish to
 assert jurisdiction under different or additional statutes, list them below.

A Pattern and Practice of Discrimination . Sect 707 - of Title VII.

Sec 2000e-6. (a) thru (b) (Pub. L. 102-106) Any and all other

amended and revised statutes pertaining to Title VII-C.R.A. 2000e
to 2000e-17

B. NATURE OF THE CASE

1) Briefly state the background of your case.

I have been employed by my employer from 10-25-84 to 9-19-04
and am still employed at this writing. I requested my vacation in
June of 2000 and my immediate supervisor said he saw no reason why
I could not have it and he marked it down on a card and I said thanks.
I had specified to him that I would like it on the pay period on
a Monday. He said okay. Two weeks passed and I hadn't filled out any
papers so I asked him had he forgot my vacation. He said that he had
not forgotten but they were giving him the run around, making it
look like it was him stalling. He said he would have to ask Frank
again. Later that week or in that time frame of our talk he quit
the Staroust. As I stated previously that is when I asked A.C. I told
A.C. as I had told Oakley that I had to take my son to see his grand-
father in Seattle because he was real sick, after an operation and he
hadn't saw my son since he was three or four years old.

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: Title VII-42-U.S.C.-81-82-2000e.
sect-700. a pattern and practice of discrimination and retaliation
Check my work files and you will see that my employer has taken
more vacation time from me than anyone that work at the Stardust
on any shift (Days) (Swing) or (Graveyard)
Supporting Facts: [Include all facts you consider important. State the facts clearly,
in your own words, and without citing legal authority or argument. Be sure you
describe exactly what each specific defendant (by name) did to violate your rights].

The Stardust was investigated by systemics investigators from EEOC
The first Equal Employment Opportunity Commission investigator was
Mr: Tommy Watkins and I gave him a telephone interview that I did
believe that black people were being discriminated against at the
Stardust Hotel. The charge # (340922185) that resulted in the det-
ermination that the EEOC Commission did believe that black people
were discriminated against at the Stardust in the form of not being
promoted to higher position . It took EEOC ten years to reach that
determination because they say that the Stardust didnt keep records
The Stardust offered all of its blackdealers 6,000 thousand dollars
to give up any claims to EEOC charge (340922185) refused their
offer because I thought that was an insult to the black workers at
the Stardust. Then they said that they were taking out withhold
tax. From that time of 11-4-88- to this writing I have been subjec-
ted to a constant subliminal rather than an overt injustice and
disparities that has culminated in a systematic (pattern / practice)
of corporate sanctioned racist harrassment by upper corporate manag-
ement . Upper management conspired between themselves because
they feel they can get away with it.

COUNT II

The following civil rights has been violated: Title VII-42 USC 2000e. to 2000e-17 (42 U.S.C. 1981) The intentional violations of Title VII, Title 42, U.S.C.A. 2000e-3 (a)

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

In this E.E.O.C. charge # (34B971023) this was in retaliation for me turning down their offer and asking the E.E.O.C. for the right to sue in E.E.O.C. charge # (34C922185). In charge # (34B971023) I was called at home by one of the supervisors by the name of George Andrews, he told me that I was not to come to work because I had been suspended for an altercation that I had with the security guard. I told him he had the wrong person. he said that I still couldnt come to work that the order had come from upstairs from Stan Roth and Allen Abrams. After corporate executives found out it wasnt I they didnt want to pay me. The corporate executives and security had met together without giving me a chance to defend myself. When they found out who the person was they did nothing to that person. They were only after me. Each time my employer denies me my vacation that money goes back to the corporation. I loose the hourly wage plus I loose the gratuities that I earn on a daily basis. I have no say so I am at the mercy of my employer. If this isnt a racket perpetrated for gain and mental and psychological punishment and an employer knows that I am a single parent, and cant leave until my son is out of school.

COUNT III

The following civil rights has been violated: Title VII-of the E.E.A. of 1964.
(42U.S.C.1981) and 2000e-3(a)and any other sub-section of 2000e.
1- thru 17.A pattern and practice of Discrimination .

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

This E.E.O.C. charge # (340A20I699) was brought on because of
the Stardust and their agents espresious and unacceptable corp-
orate behavior. They have used this ruse a number of times .
The Stardust and Boyd corporation did this unjust things because
they feel they can get away with it. The first time they took my
vacation . I talked to Allen Abrams and the swing shift bosses
they said that I was one day late . I lost three weeks ticks
and pay . My employee number is(32746)if you check that number
you will find that there has been more time taken from me than
from anyone else . This is a clear fact that the agents of the
Stardust who have been named in count one and Mr. Stan Roth
is also a part of this process of this retaliation and discrim-
ination . and racket as I stated before my employee number is
32746 and I state that since I refused their offer on EEOCs co-
mmissioners charge #340922185 made on the (9-29-99) I have been a
target of the corporate-structure at the stardust .The agents
who have been employed at the stardust since the EEOC charge
340922185 was made . since that time I have been subjected
to 18-1964 -EEOC-USC

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Yes Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Boyd Gaming D.B.A. Stardust Hotel & Casino
- b) Name of court and docket number: CV-991786. U.S. District Court
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
The case was dismissed on F.R.C.P. 12(b)(6)
- d) Issues raised: Boyd Gaming refused to promote their Black employees
- e) Approximate date it was filed: 12-28-99
- f) Approximate date of disposition: June 11, 2001

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? NO Yes NO No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

subjected to (ORDER OF DISMISSAL WITHOUT PREJUDICE PER-
SUANT TO RULE 4 (m) FEDERAL RULES OF CIVIL PROCEDURE)
1. As exhibit (a) shows.
2. As exhibit (b) shows, and exhibit (c) gives jurisdiction.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Because of the emotional distress that I endured from the
actions of the agents of my employer. The pain and suff-
ering of my children and I, there should be compensatory
damages and respondeat superior; in the respondeat sup-
erior tort in the amount of \$4,000,000, and in the tort
of emotional distress and pain and suffering in the amount
of \$7,000,000.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Robert L. McKinney
(Signature of Plaintiff)

12-22-04

(Date)

(Additional space if needed; identify what is being continued)

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FEB 25 2003	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>AW</u>	DEPUTY

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2003 FEB 24 PM 4:21

LANCE S. WILSON
CLERK
BY: [Signature]
DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT L. McKINNEY,

Plaintiff,

v.

BOYD GAMING CORP., et al.,

Defendants.

CV-S-02-1235-PMP (LRL)

ORDER

IT IS ORDERED that Plaintiff's Motion for Enlargement of Time to Serve Process (#3), filed February 22, 2003, is granted and Plaintiff shall have until February 22, 2003, within which to effectuate service of process.

DATED: February 24, 2003

[Signature]
PHILIP M. PRO
Chief United States District Judge

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
FEB 26 2003	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>AW</u>	DEPUTY

(EXHIBIT *(A))

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RECEIVED
AND FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2003 FEB 21 AM 9:23

ROBERT L. MCKINNEY,

Plaintiff,

vs.

BOYD GAMING CORPORATION, et al,

Defendants.

LANCE S. WILSON
CLERK

BY  DEPUTY

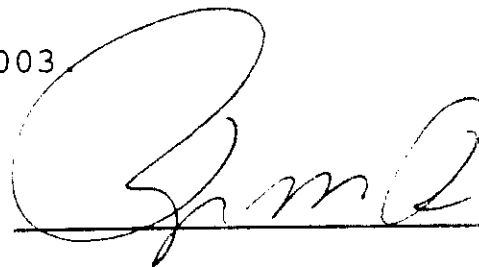
CV-S-02-1235-PMP (LRL)

ORDER OF DISMISSAL WITHOUT PREJUDICE
PURSUANT TO RULE 4(m) FEDERAL RULES OF CIVIL PROCEDURE

Plaintiff for having failed to show good cause why this action should not be dismissed without prejudice for failure to effect timely service pursuant to FRCP 4(m),

IT IS ORDERED that the action is hereby dismissed without prejudice as to: ALL DEFENDANTS

Dated: Feb 21, 2003



CHIEF UNITED STATES DISTRICT JUDGE

HONORABLE PHILIP M. PRO

(EXHIBIT (B))

Rev 11/02

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Equal Employment Opportunity Commission

DISMISSAL AND NOTICE OF RIGHTS

To:

Robert McKinney
2500 North Rainbow, #1073
Las Vegas, NV 89108

From:

Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, California 90012

[] On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
340A201609

EEOC Representative
Legal Officer of the Day

Telephone No.
(213) 894-1001

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- [] The facts you alleged fail to state a claim under any of the statutes enforced by the EEOC.
- [] Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- [] The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- [] We cannot investigate your charge because it was not filed within the time limit required by law.
- [] Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- [] While reasonable efforts were made to locate you, we were not able to do so.
- [] You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- [✓] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the Respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- [] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- [] You have no basis for filing.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

- [✓] **Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the Respondent(s) named in the charge. **If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice.** Otherwise your right to sue based on the above-numbered charge will be lost.
- [] **Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.** (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission

Rosa V. Monte
Olophius Perry, District Director
Los Angeles District Office

(Date Mailed)

EXHIBIT (C)

Enclosures:
Information Sheet

cc: Respondent(s) Susan Rhodes, Human Resources Director
Stardust Resort & Casino
3000 Las Vegas Blvd., South
Las Vegas, NV 89109